

Claims 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson in view of Anderson et al.

The rejections are respectfully traversed.

Anticipation, under 35 U.S.C. § 102, requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference.

*Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983).

Robinson discloses an arrangement that light rays from a broadband light source are split by AOTF (acousto-optic turnable filter) to project the split light rays into the body (finger) of a human and that the light rays scattered inside the body are received by a plurality of detector rings 831, 833, 835 each disposed at a different distance from the light source (as pointed out by the Examiner). Further, Robinson discloses that each detector ring receives light whose propagating distance inside the body differs.

However, as disclosed at column 26, lines 39-45, and column 14, Robinson discloses that each light propagating distance is specific, namely, each distance is adapted to a wavelength band different from each other. In other words, each detector ring is adapted to receive light in a different wavelength band.

Independent claim 1 recites, *inter alia*:

*a first light incident port for allowing the first and second luminous fluxes* having been diffused in the skin *to pass therethrough*;

*a second light incident port for allowing the first and second luminous fluxes* having been diffused in the skin *to pass therethrough*, the second light incident port being spaced away from the light emerging port a different distance than the first light incident port;

*a first electric signal generator for generating a first electric signal* corresponding to an intensity of the first luminous flux passed through the first light incident port, *and a second electric signal* corresponding to an intensity of the second luminous flux passed through the first light incident port;

*a second electric signal generator for generating a third electric signal* corresponding to an intensity of the first luminous flux passed through the second

light incident port, *and a fourth electric signal* corresponding to an intensity of the second luminous flux passed through the second light incident port

As can be seen from the above emphasized portions, the invention recited in claims 1 and 3 (already indicated as being allowable) of the present application is directed to the arrangement that both the first light incident port and the second light incident port receive the first and second luminous fluxes. Accordingly, when two rays of light each belonging to a different wavelength band pass the first light incident port, the first electric signal generator generates two signals. Similarly, when two rays of light each belonging to a different wavelength band pass the second light incident port, the second electric signal generator generates two signals.

Despite the Examiner's overly broad interpretation of the reference, Robinson does not disclose or suggest any arrangement having the first electric signal generator and the second electric signal generator with the above recited functions. Thus, each element of claim 1 is not found in Robinson, either expressly described or under principles of inherency. Consequently, independent claim 1 is patentable over Robinson.

Claims 2, 4-9, 11 and 12 directly or indirectly depend on claim 1. Accordingly, claims 2, 4-9, 11 and 12 are patentable over Robinson also, since independent claim 1, from which they depend, is patentable over Robinson.

Anderson is a secondary reference which the Examiner has cited to reject dependent claim 10 on the ground of reason that Anderson implicitly suggests the subject matter of claim 10. Anderson does not disclose or suggest the arrangement that light is received through the two light incident ports whose distance from the light emerging port differs. Thus, Anderson neither discloses nor remotely suggests the subject matter recited in claims 1 and 3 (already indicated as

being allowable). Consequently, claim 10 is patentable over Robinson and Anderson, considered alone or in combination.

**CONCLUSION**

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Date: October 21, 2002**